

~~PROPOSED~~ ORDER/COVER SHEET

TO: Honorable Wayne D. Brazil
U.S. Magistrate Judge

FILED

RE: Doyle, Robert

FEB 8 - 2008

FROM: Claudette M. Silvera, Chief
U.S. Pretrial Services Officer

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DOCKET NO.: CR08-00021 CW

THE ATTACHED MEMORANDUM WAS PREPARED BY PRETRIAL SERVICES OFFICER:

Hence Williams
U.S. PRETRIAL SERVICES OFFICER

510 367 3755
TELEPHONE NUMBER

RE: MODIFICATION OF CONDITIONS (OR INFORMATION/VIOLATION)

We are requesting direction from the Court. Please initial the appropriate box(es), and return this form to us so that we may comply with your instructions.

- ☐ I have reviewed the information that you have supplied. I do not believe that this matter requires any action by this Court at this time.
- ☒ Inform all parties concerned that I will conduct a Bail Review Hearing in Courtroom No. 4 on 2/12/08 at 10:00.
- ☐ Inform all parties concerned that a Bail Review Hearing will be conducted by:
Magistrate Judge _____ Presiding District Court
Judge _____
- ☐ I agree with the recommendation of the Pretrial Services Officer and hereby modify the defendant's Pretrial Release conditions as indicated below:
- ☐ Modification(s)
A.
B.
- ☐ Bail Revoked/Bench Warrant Issued.
- ☐ I am returning the signed order and direct that a copy be provided to the Court file and all interested parties(AUSA and Defense Counsel).
- ☐ Other Instructions:

JUDICIAL OFFICER

DATE

Cover Sheet (12/03/02)

cc: WDB's Stats, Copy to parties via ECF, Pretrial
Sherlah, Financial

To: Honorable Wayne D. Brazil
U.S. Magistrate Judge

From: Hence Williams
U.S. Pretrial Services Officer

Subject: **DOYLE, ROBERT**
DOCKET NO.: CR08-00021
NOTICE OF VIOLATION OF RELEASE
CONDITIONS

Date: February 8, 2008



MEMORANDUM

Your Honor:

The above-captioned individual is the sole defendant charged in an Indictment with a violation of Title 18, United States Code, Section 287 - False Claims (34 counts).

Mr. Doyle initially appeared before Your Honor on January 22, 2008, charged with the instant offense. At that time, the defendant was released on a \$50,000 unsecured bond with the following special conditions of release:

1. The defendant shall report to Pretrial Services in Oakland, California, as directed;
2. The defendant's travel is restricted to the Northern District of California;
3. The defendant shall surrender his passport and not apply for any new passports or travel documents;
4. The defendant shall not possess any firearms, destructive devices, or other dangerous weapons;
5. The defendant shall not change residence without prior approval from Pretrial Services;
6. The defendant shall refrain from any use of alcohol;
7. The defendant shall refrain from any use or unlawful possession of a narcotic drug and other controlled substances without a legal prescription;
8. The defendant shall participate in drug/alcohol or mental health counseling and submit to drug/alcohol testing as directed by Pretrial Services; and
9. The Court is giving Pretrial Services the discretion to allow the defendant to visit his sick mother in Sacramento, California. The Pretrial Services Officer has to decide the frequency of his trips to Sacramento, California.

On January 22, 2008, the defendant reported to the Pretrial Services office, and a post-bail interview was conducted with his attorney present. During the interview the defendant made several statements that were somewhat dramatic and far fetched which lead Pretrial Services to be concerned with the defendant's mental health status. In addition, on that date, the defendant was drug tested and he tested presumptively positive for marijuana and cocaine. Following the test, the defendant admitted to the use of these drugs, as well as methamphetamine. However, upon a further conversation with the defendant, he explained that he was "just kidding" about using methamphetamine.

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MEMORANDUM TO THE HONORABLE WAYNE D. BRAZIL, US. MAGISTRATE JUDGE

RE: Doyle, Robert

DOCKET NO.: CR08-00021

Given the events which took place during the defendant's initial office visit, Pretrial Services contacted Your Honor's chambers and informed Your Honor of our concerns. As a result of this information, Your Honor convened a hearing on that same date to admonish the defendant for his positive drug test. In addition, the defendant was ordered to be assessed by a mental health professional.

On February 1, 2008, Mr. Doyle appeared before Your Honor for a status update. At that time Your Honor modified the conditions of release to include:

The defendant shall participate in an inpatient drug treatment program as directed by Pretrial Services. The defendant must follow the rules and regulations of the program at all times.

DETAILS OF ALLEGED VIOLATION

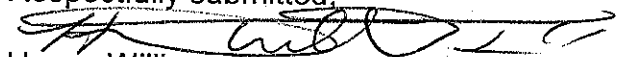
On February 1, 2008, this officer submitted a referral to New Bridge Foundation (residential treatment program), requesting that an assessment be conducted on Mr. Doyle. On February 4, 2008, Mr. Doyle reported to New Bridge, however, he refused to participate with the intake processes and therefore was not admitted to the treatment program. Pretrial Services has made several attempts since that time to bring the defendant into compliance, however, at this time Mr. Doyle has failed to report to the treatment program or be response to Pretrial Services' directives.

The undersigned attempted to advise Assistant Federal Public Defender Joyce Leavitt of the defendant's failure to cooperate with New Bridge Foundation procedures. However, she is presently out of the office until February 11, 2008. As such, the undersigned informed the duty Assistant Federal Public Defender, Shawn Halbert, of this information. Additionally, the undersigned left a voice message for Tom Moore, Assistant U.S. Attorney, regarding this matter and we have yet to receive a response.

RECOMMENDATION: In light of the above information, Pretrial Services respectfully recommends that Your Honor convene a Bail Review Hearing for February 12, 2008, to allow for the availability of the defendant's attorney. During the interim, Pretrial Services will continue to attempt to place the defendant in to the treatment program. It should be noted that the undersigned does not believe the defendant poses an immediate danger to any one individual in the community, however, we have continued concerns regarding his risk of non-appearance.

This memorandum is submitted for Your Honor's review and direction.

Respectfully submitted,



Hence Williams III

U.S. Pretrial Services Officer

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MEMORANDUM TO THE HONORABLE WAYNE D. BRAZIL, US. MAGISTRATE JUDGE
RE: Doyle, Robert **DOCKET NO.: CR08-00021**

Reviewed by


Silvio Lugo, Assistant Deputy Chief
U.S. Pretrial Services Officer

cc:

Ms. Joyce Leavitt, Defense Counsel
Joyce_leavitt@fd.org

Mr. Thomas Moore, Assistant U.S. Attorney
tom.moore@usdoj.gov